

**TAB 7**



# City of Palmetto Agenda Item

**Meeting Date**

**10/17/11**

**Presenter:** Lorraine Lyn

**Department:** Planning

**Title:**

**Conditional Use Permit (CU-2011-03)  
Farm Labor Camp  
2005 & 2011 Bayshore Road and 500 20th Street W**

Sunnydale Properties, LLC is the applicant of this Conditional Use (CU) for a 12 unit farm labor camp located within RM-6 zoning and Res-10 Plan category at a density of 13.6 du/ac. One of the 12 units will be occupied by the property manager. The purpose of this CU request is to bring this farm labor camp facility into compliance with the City's zoning requirements.

The City's Zoning ordinance permits farm labor camps only within the RM-6 zoning district as a Conditional Use. The subject farm labor camp is located in the northern part of the City in an enclave of Manatee County designated Residential-9 on the Land Use Plan yet surrounded by commercial zoning districts in both the City and the County. In 2008, the city approved the annexation, plan amendment and rezoning of the subject property. Since that time, the subject property has connected to City water and sewer. According to the applicant, this facility has been used for a farm labor camp for years in both the County and the City. A permit from Manatee County Health Department is pending for this property.

Staff recommends approval of the proposed conditional use permit for the following reasons:

- a) This is an existing use that has been in operation for years. The applicant is making a good faith effort to comply with City requirements after annexing into the City and connecting to public water and sewer;
- b) This is a residential use which is compatible with surrounding MF residential uses in an area zoned for general commercial;
- c) The location is suitable for the proposed farm labor camp use which will be permitted and monitored through the County Department of Health for sanitation and health standards.
- d) The proposal is consistent with the City's Zoning Ordinance, conditional use standards, and the Palmetto 2030 Comprehensive Plan which recognizes a need for such uses.

The Planning and Zoning Board held its hearing on September 15, 2011 and recommended APPROVAL with the condition that a 6 foot high opaque or decorative fence or wall be installed on the north and west sides of property within 90 days of obtaining approval. The applicant has since obtained an estimate to fence 3 sides including the south side of the property.

<b>Budgeted Amount:</b>	<input type="text" value="\$0.00"/>	<b>Budget Page No(s):</b>	<input type="text"/>	<b>Available Amount:</b>	<input type="text" value="\$0.00"/>	<b>Expenditure Amount:</b>	<input type="text" value="\$0.00"/>
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**Additional Budgetary Information:**

<b>Funding Source(s):</b>	<input type="text"/>	<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	<input type="text"/>
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<input type="text" value="Palmetto 2030 Comprehensive Plan"/>
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**Potential Motion/ Direction Requested:**

<b>Staff Contact:</b>	Lorraine Lyn	City Planner	723-4580 Ext. 2135
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**Attachments:**

**Staff Report**  
**Conditional Use Permit (CU-2011-03)**  
**Farm Labor Camp**  
**2005 & 2011 Bayshore Road and 500 20<sup>th</sup> Street W**

**BACKGROUND**

Sunnydale Properties, LLC is the applicant of this Conditional Use (CU) for a 12 unit farm labor camp located within a Residential Multi-Family (RM-6) zoning district. The purpose of this CU request is to bring this farm labor camp facility into compliance with the City's zoning requirements. One of the 12 units will be occupied by the property manager.

The City's Zoning ordinance permits small (less than 10 units) and large (more than 10 units) farm labor camps only within the RM-6 zoning district as a Conditional Use. The subject farm labor camp is located in the northern part of the City in an enclave of unincorporated Manatee County designated Residential-9 on the Land Use Plan yet surrounded by commercial zoning districts in both the City and the County.

In 2008, the city reviewed and approved the annexation of the subject property into the City, the plan amendment from County Res-9 to City Res-10 and the rezoning from County GC to City RM-6. Since that time, the subject property has connected to City water and sewer and has operated as a farm labor camp at this location. According to the applicant, this facility has been used for a farm labor camp for years and it was for this use that the property was annexed into the City.

The current CU request provides the City an opportunity to review the subject property specifically for a farm labor camp use and if needed, to place appropriate conditions and stipulations on that use. Manatee County's Health Department staff indicated that there is a permit pending for this facility.

**ADDRESS/PARCEL ID/SIZE**

1. 2005 Bayshore Road/2436500009/0.28 acres
2. 2011 Bayshore Road/2436200006/0.39 acres
3. 500 20<sup>th</sup> Street W/2435900002/0.21 acres

Total site: 0.88 acres

**PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USE OF SUBJECT PARCELS**

1. 2005 Bayshore Road/RES-10/RM-6/multi-family residential (farm labor camp)
2. 2011 Bayshore Road/ RES-10/RM-6/ multi-family residential (farm labor camp)
3. 500 20<sup>th</sup> Street W/ RES-10/RM-6/vacant land

Total number of MF residential units: 12

**PLAN CATEGORY/ZONING DISTRICT/EXISTING LAND USES OF SURROUNDING**

CU-2011-03

Sunnydale Farm Labor Camp

2005 & 2011 Bayshore Rd & 500 20 St W

Revised October 5, 2011

## PROPERTIES

1. North: City-GCOM/CG/vacant land
2. South: County - RES-9 /GC/vacant land (vacant MF recently demolished)
3. East: County - RES-9/GC/vacant land & right-of-way (Bayshore Road) & railroad
4. West: County - RES-9/GC/ multi-family residential (triplexes & duplexes)

## ANALYSIS

The City's Zoning Code defines *Farm Labor Camp* as:

*One (1) or more buildings or structures, or any portion thereof, together with the land appertaining thereto, established, operated, furnished as an incident of employment or used as a living quarters for seasonal, temporary or migrant farm workers or their families, whether or not rent is paid or reserved in connection with the use or occupancy of such premises.*

The applicant indicated that the proposed farm labor camp would be occupied twice a year for approximately 2 months each time, in the spring and fall. An earlier point paper prepared on farm worker housing for the City Commission in 2008 and updated this year by Code Enforcement staff indicated that there are approximately 15 such facilities within the city limits, none of which has a CU permit from the City. Most, if not all of the farm worker housing facilities in the City have existed since 2002. These facilities require permitting through the County Department of Health which monitors sanitation and health standards relating to construction, operation and maintenance of these facilities. (See attached guidelines). Of the 15 facilities in the city, 11 have permits from Manatee County Health Department and permits are pending for the remaining 4. Recent applications for a CU for farm worker housing in the City include the following:

- a. A CU application to recognize existing farm worker housing at 713 17<sup>th</sup> Street W and to add 2 more buildings (requiring a setback variance) was denied in 2008.
- b. Taylor Fulton, Inc. applied for a rezoning from RS-4 to RM-6 and a CU for farm worker housing at 409 9<sup>th</sup> Street W; both were withdrawn on April 12, 2004 (Z&CU04-01).

In 2008, the subject property was annexed into the City, assigned the Res-10 plan category and rezoned from County CG to City RM-6 consistent with the following Plan policy:

*Policy 3.6.8: The City may consider plan amendment requests for additional residential acreage consistent with the Future Land Use Element when and where substantiated by residential growth trends and need for affordable housing.*

The City's Comprehensive Plan permits farm labor camps in appropriate locations of the City and encourages the provision of affordable housing including farm labor camps within the City limits as demonstrated by the following Plan objective and policies:

*Objective 3.9: Continue to recognize the need for safe and sanitary farm worker housing within the City.*

*Policy 3.9.2: The City will permit farm worker housing in appropriate locations in accordance with the City's land development regulations.*

*Policy 3.5.1: The City shall provide information, technical assistance and efficient permitting processes to assist the private sector to maintain a rate of housing production especially for affordable housing sufficient to meet the needs of the population.*

### **REQUESTED APPROVAL**

The following standards shall apply to all applications for Conditional Use permits pursuant to Sec. 15.4 (C) of the Zoning Ordinance.

#### **1. Purpose and Intent: The Comprehensive Plan**

The proposed use shall be consistent with the stated purpose and intent of the applicable zoning district regulations and this ordinance, and consistent with the Comprehensive Plan.

**This Conditional Use proposal for a farm labor camp is permitted in the RM-6 zoning district as outlined in Sec. 4.2, the use table of the City's zoning ordinance. The Conditional Use permit provides for review of a subject site to determine whether or not it is appropriate for a farm labor camp use while recognizing the need for these uses, consistent with the Housing Element of the Comprehensive Plan. The subject farm labor camp use currently exists in the RM-6 zoning district which is the only district which permits farm labor camps with a conditional use permit.**

#### **2. Applicable district regulations**

The proposal shall comply, where applicable, with the regulations of the zoning district in which the proposed use is most commonly permitted.

**This Conditional Use proposal for a farm labor camp complies with the RM-6 zoning district in terms of the use but does not comply with most dimensional requirements since the structures on the subject property were built between 1954 and 1955 (per Property Appraiser's information) in the County. At 13.6 du/ac, the density of the farm labor camp also exceeds the maximum density of 10du/ac of the Plan category and the RM-6 zoning district.**

**Pursuant to Sec. 7.9 of the Zoning ordinance, a structure which is nonconforming, due to noncompliance with the dimensional requirements of the official schedule of district regulations of the Code may remain provided that any structural changes not increase the degree of nonconformity and if destroyed to the extent of more than 50% of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located. Routine repairs and maintenance of a nonconforming structure or replacement of nonload bearing walls shall be permitted. No structural changes are proposed to the subject property.**

#### **3. Compatibility**

The proposal shall be compatible with surrounding land uses and the general character of the

area, considering, without limitation, such factors as traffic, noise, drainage, dust, lighting, appearance, and effect on property values.

The subject property is located within a 6-block residential area bounded by 19<sup>th</sup> Street W on the south, 21<sup>st</sup> Street W on the north, US 41/8<sup>th</sup> Avenue W on the west and Bayshore Road on the east. For the most part, the surrounding land uses are located in the unincorporated county, designated Res-9 and zoned for general commercial uses such as offices, retail and personal and professional services. The County's GC zoning permits single family detached and duplex dwelling with limitations but does not permit triplex and quadraplex dwellings. The large tracts of vacant land located north of the subject property within the city limits is designated CGOM and zoned CG.

Land uses in the general area consist of various types of residential uses including single-family, two-family and multi-family units. Uses immediately surrounding the proposal are multi-family residential uses to the west and vacant land to the south, north and east. The adjacent multi-family development has access off 20<sup>th</sup> Street W while the farm labor camp has access on Bayshore Road, lessening its impacts of traffic, noise and lighting on adjacent uses. 21<sup>st</sup> Street W becomes a dirt road east of 6<sup>th</sup> Avenue W and does not continue through to Bayshore Road. In addition, a farm labor camp is a residential use and is generally considered a less intense use than commercial uses for which the surrounding area is zoned.

#### **4. Environment**

The site shall be environmentally suitable for the proposed use and such use shall not have a substantial adverse impact on the natural environment. Soils, drainage, flood hazards, wildlife, and air and water quality shall be among the factors considered in this regard.

The subject property was developed in the 50's for MF uses and has been used for a farm labor camp for years. It was annexed into the City, designated Res-10 on the City's Land Use Plan and rezoned to RM-6 in 2008. It is not expected to have an adverse impact on the natural environment since no new development is contemplated.

#### **5. Orderly development**

The proposal shall be consistent with providing for efficient and orderly development, considering, without limitation, such factors as provision of public facilities and services, growth patterns and energy conservation.

The farm labor camp was annexed into the City in 2008 to connect to City water and sewer and has been used to house farm workers ever since. The applicant indicated that the subject property was previously used for farm worker housing while it was in the unincorporated County.

#### **6. Public facilities and services**

Necessary public facilities and services, such as sanitation, water, drainage, emergency services, education, recreation and similar facilities and services shall be adequate to serve the proposed use.

The farm labor camp connected to a 6' waterline and a 6" sanitary sewer force main in 2008 following the annexation of this property into the City. This proposal involves an existing development. No new development is proposed.

#### **7. Traffic**

The proposal shall not create hazardous vehicular or pedestrian traffic conditions nor result in traffic exceeding the capacity of streets and intersections serving the use.

The farm labor camp has access onto Bayshore Road which is a two lane roadway functioning as a collector road connecting US 41 to 17<sup>th</sup> Street W at an acceptable level of service. The subject property's location north of 17<sup>th</sup> Street W on the west side of Bayshore Road and orientation towards Bayshore Road, is cut off from the overall residential area yet it is in close proximity to commercial uses and services required to serve the daily needs of residents of the farm labor camp. The proposal is not expected to negatively impact vehicular or pedestrian traffic conditions in this area. One parking space is required for each unit.

#### **8. Screening and buffering**

The proposal shall include screening and buffering as necessary to minimize adverse impacts on surrounding land uses.

The City's zoning ordinance contains landscape buffering requirements for adjacent uses that are less intense than the proposed use. No buffering is required when the adjacent uses are the same or comparable to the subject farm labor camp use which is considered multi-family residential uses for purposes of comparison. In addition, the parcel located at 500 20<sup>th</sup> Street W consists of a 32' vacant strip of land which buffers the subject property from the adjacent multi-family use to the west. A 57 foot right-of-way easement runs along the north side of the subject property where 21<sup>st</sup> Street W could be improved to meet Bayshore Road.

#### **9. Signs; lighting**

Signs and outdoor lighting which may be involved in the proposal shall be designed to ensure that the use harmoniously fits into its surrounding.

**This is an existing use. Signs and lighting are not proposed for the subject property.**

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the proposed conditional use permit for the following reasons:

- a) The proposed CU is for an existing use that has operated for years in both the County and the City. The applicant is making a good faith effort to comply with City requirements after annexing into the City and connecting to public water and sewer;
- b) The proposed use for residential purposes is compatible with surrounding multi-family residential uses in an area zoned for general commercial;
- c) The location is suitable for the proposed farm labor camp use which will be permitted and monitored through the County Department of Health for sanitation and health

standards if approved.

- d) The proposal is consistent with the City's Zoning Ordinance and meets the aforementioned conditional use standards,
- e) The proposal is consistent the Palmetto 2030 Comprehensive Plan which recognizes a need for such uses.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board held its hearing on September 15, 2011 and recommended **APPROVAL** with the following condition for the proposed conditional use permit.

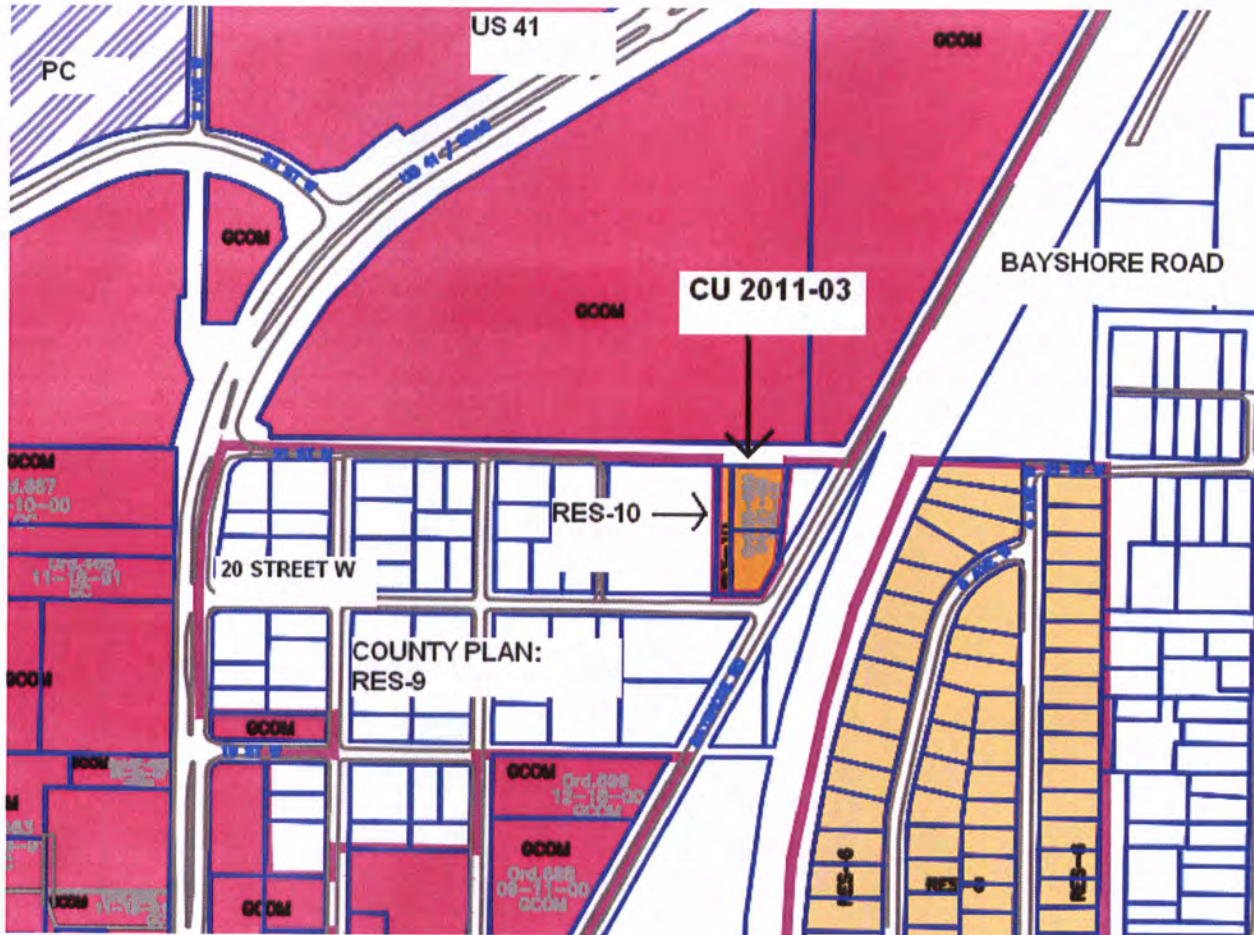
- A 6 foot high opaque or decorative fence or wall be installed on the north and west sides of property within 90 days of obtaining approval.



**AERIAL FOR CONDITIONAL USE 2011-03  
SUNNYDALE FARM LABOR CAMP  
2005 & 2011 BAYSHORE ROAD & 500 20<sup>TH</sup> STREET W**

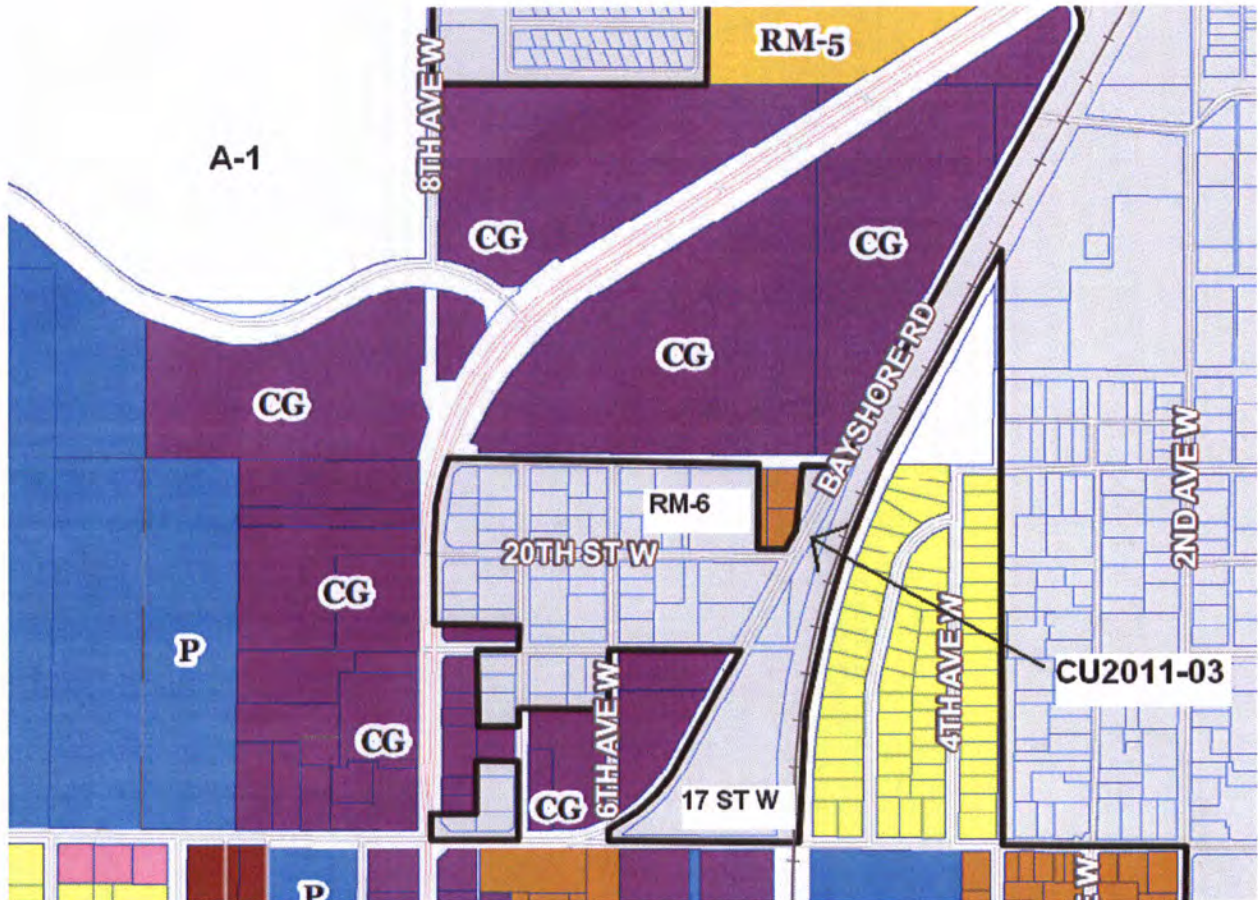


**LAND USE PLAN MAP FOR CONDITIONAL USE 2011-03  
SUNNYDALE FARM LABOR CAMP  
2005 & 2011 BAYSHORE ROAD & 500 20<sup>TH</sup> STREET W**





**ZONING MAP FOR CONDITIONAL USE 2011-03  
SUNNYDALE FARM LABOR CAMP  
2005 & 2011 BAYSHORE ROAD & 500 20<sup>TH</sup> STREET W**



**DRC-** staff was informed, utilities are already in place and the site is being used as a farm worker camp

## Sept 15 2011 P&Z Meeting Minutes

### 2. Sunnydale Properties, LLC. Conditional Use (CU-2011-03)

Tab 2

Ms. Lyn reviewed the staff report. The purpose of this CU request is to bring the existing farm labor camp into compliance with the City's zoning requirements.

The City's Zoning ordinance permits small (less than 10 units) and large (more than 10 units) farm labor camps only within the RM-6 zoning district as a Conditional Use.

In 2008, the city reviewed and approved the annexation of the subject property into the City, the plan amendment from County Res-9 to City Res-10 and the rezoning from County GC to City RM-6. The subject property is connected to City water and sewer and has operated as a farm labor camp at this location but without state Department of Health approval.

This Conditional Use proposal for a farm labor camp does not comply with most dimensional requirements since the structures on the subject property were built between 1954 and 1955 (per Property Appraiser's information) in the County. The density of the farm labor camp exceeds the maximum density of 10du/ac of the Plan category and the RM-6 zoning district. The density is currently 13.6 du/ac.

The Code requires screening and buffering when the adjacent use is less intense to minimize adverse impacts on surrounding land uses. In this case, the adjacent use, located to the west, is the same multi-family use.

Staff is recommending approval of the proposed conditional use permit for the following five reasons:


1. The proposed CU is for an existing use that has operated for years in both the County and the City. The applicant is making a good faith effort to comply with City requirements after annexing into the City and connecting to public water and sewer;
2. The proposed use for residential purposes is compatible with surrounding multi-family residential uses in an area zoned for general commercial;
3. The location is suitable for the proposed farm labor camp use which will be permitted and monitored through the State Department of Health for sanitation and health standards if approved.

- 4. The proposal is consistent with the City's Zoning Ordinance and meets the conditional use standards,
- 5. The proposal is consistent the Palmetto 2030 Comprehensive Plan which recognizes a need for such uses.

Ms. Lyn stated the State Department of Health does bi-annual inspection of these types of uses.

Mrs. Jennings asked if the conditional use is approved without putting a buffer requirement as a stipulation at the time of approval, can we go back and require it later. Ms. Lyn stated a buffer requirement has to be imposed at the time of approval or if the project were to expand requiring additional review.

Open to the applicant

 Fritz Stauffacher, Safety and Compliance Director presented photos of the units stating that the units are maintained and kept up. Laborers come in twice a year. The site is kept up to code; they have never had trouble since they have had the site. Mr. Stauffacher stated he works closely with Code Enforcement.

Chair Gilbert asked how the tenants get around. Mr. Stauffacher stated the laborer have vehicles.

 Open Public hearing

A letter from Mr. Gary W. Sweetman, Melody Carpenter-Sweetman, Owner, 1811 Bayshore Road was read into the record.

Mr. Whiting Preston, 1509 4<sup>th</sup> St. Manatee Fruit Company stated he understands what the applicant is saying. Mr. Preston thanked Ms Lyn for the staff report as it was very informative and helped him understand what is being proposed. Mr. Preston stated his concerns. The location is surrounded by county property and he is interested in what the City will do to help protect the neighborhood. The proposed use brings a transient crowd that moves in and out. Although a lot of them are good people, it is important that the City understands the need to enhance the City and the economic needs.

Mr. Ugarte asked Mr. Preston what his recommendations would be for stipulations on the proposed application. Mr. Preston stated he would recommend buffering, the maintenance and upkeep of the property, and he would not like to see or recommend the expansion of the project.

Mr. Edward Stanbrosky, manager of adjacent property, echoed the same concerns that Mr. Preston had, stating that buffering is a big issue. He has only owned the property next door for 4 months.

 Chair Gilbert closed public hearing.

## Rebuttal

Mr. Stauffacher addressed the letter that was read into the record regarding the Federal Immigration Code, stating these are not H-2A workers, they are documented worker. Also Mr. Stauffacher stated he is not opposed to putting up a buffer, whether its trees or a fence since he's had problems with residents from the adjacent apartment coming across. A manager is always on duty and the units are run just like an apartment complex.

Mr. Barnebey asked the number of units on site. Mr. Stauffacher stated there are 12, with one being a manager unit. There are a maximum of 50 people total that would be living there at any time.

Mr. Barnebey inquired of staff regarding the density. It was noted that the site exceeds density.


Mr. Stauffacher stated density was not an issue when the site was annexed. It was a farm labor camp at the time of annexation and \$120,000 was paid to hook up to the City's utilities and that is not a small price. The site will not expand.

For clarification, Chair Gilbert stated we are trying to make legal what is already there.

Ms. Lyn stated yes in a sense, these units were never permitted before, but a permit is pending from the State. If a conditional use permit is granted, the site will be monitored more closely by the State.

Ms. Jennings asked if there are other farm labor camps permitted in the City. Ms. Lyn stated no, there isn't any conforming to the City's regulations, but there are some in the City that are permitted by the state. None are zoned RM-6, which is the only zoning district that allows farm worker housing with a CU in the city. Sunnydale Properties is putting forth a good faith effort in trying to obtain a conditional use permit and become legal with the City.

Mr. Ugarte stated there are current migrant camps that are in the City limits but just not legal according to the code. This project is trying to become legal and that is commendable. The question is what can make migrant camp compatible to the surrounding area? It always goes back to maintenance. How well can we control that? Can you make maintenance a condition on the particular owner? Mr. Barnebey stated the owner should not matter because the property can be sold at any time. The condition will run with the land unless a time frame is placed on it. The property will be covered by property maintenance code.

 Mrs. Jennings moved to recommend approval of Sunnydale Properties, LLC., CU-2011-03 and commended the applicant for the attempt to make this legal and added the following stipulation: a 6ft high opaque fence or decorative wall be installed on the north and west side of the property within 90 days of obtaining approval. Mr. Ugarte seconded. **MOTION CARRIED UNANIMOUSLY.**